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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,386	01/26/2004	Hideki Nonaka	1232-5259	2540
27123	7590	12/28/2005		
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101				
			EXAMINER KAO, CHIH CHENG G	
			ART UNIT 2882	PAPER NUMBER

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/765,386	Applicant(s) NONAKA ET AL. 	
	Examiner Chih-Cheng Glen Kao	Art Unit 2882	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 October 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 3, 5-8, and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Khutoryansky et al. (US Patent 6047042).
2. Regarding claims 1 and 13, Khutoryansky et al. discloses a radiographic apparatus and method (fig. 1, #100) comprising a control section (fig. 1, #112) which decides a mode of use of outputs from a plurality of radiation dose detection devices on the basis of a relative positional relationship (col. 7, lines 26-34) between an object (fig. 1, #116) and the radiographic apparatus (fig. 1, #100).
3. Regarding claims 3 and 5, Khutoryansky et al. further discloses a recognition section which recognizes the relative positional relationship between an object and a radiographic apparatus (col. 7, lines 26-34), wherein the recognition section includes an operation section (fig. 4, #464) and acquires, from the operation section (fig. 4, #464), information representing the relative positional relationship (col. 11, lines 42-66) between the object (fig. 1, #116) and the radiographic apparatus (fig. 1, #100).

4. Regarding claims 6 and 7, Khutoryansky et al. further discloses wherein the plurality of radiation dose detection sections (fig. 3a, #120a-120e) are arranged between pixels of the radiographic image detection section (fig. 3a, #118), and wherein the plurality of radiation dose detection sections are formed in a layer (fig. 3a, #110) different from a layer where pixels of the radiographic image detection section are formed (fig. 3a, #118).

5. Regarding claim 8, Khutoryansky et al. would necessarily have a radiographic image detection region of the radiographic image detection section (fig. 1, #118) having different lengths in vertical and horizontal directions based on the region one may arbitrarily select.

6. Regarding claims 12 and 14, Khutoryansky et al. further discloses an exposure control section or step of controlling exposure (fig. 4, #390) of a radiographic image detection section (fig. 1, #118) in accordance with the mode decided in the decision step or control section (fig. 1, #112).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khutoryansky et al. as applied to claim 1 above, and further in view of Kobayashi et al. (JP 06-251893).

8. Regarding claim 2, Khutoryansky et al. discloses an apparatus as recited above.

However, Khutoryansky et al. does not disclose wherein a control section decides a mode of use of outputs from a plurality of radiation dose detection sections on the basis of an arrangement state of a radiographic apparatus.

Kobayashi et al. teaches wherein a control section decides a mode of use of outputs from a plurality of radiation dose detection sections (fig. 11, #111) on the basis of an arrangement state of a radiographic apparatus (figs. 10 and 11).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the apparatus of Khutoryansky et al. with the mode of use on the basis of arrangement of Kobayashi et al., since one would be motivated to make such a modification to fit the region of interest of the object onto the detection range better (fig. 11) as implied from Kobayashi et al.

9. Regarding claims 9-11, Khutoryansky et al. discloses an apparatus as recited above.

However, Khutoryansky et al. does not disclose wherein a plurality of radiation dose detection sections are arranged such that when a radiographic image detection section is rotated by only a predetermined angle in a radiographic image detection plane, positions of some or all of the plurality of radiation dose detections sections before rotation coincide with those after

rotation, and a pivot mechanism which integrally pivots the radiographic image detection section and the plurality of radiation dose detections sections in a radiographic image detection plane of the radiographic image detection section.

Kobayashi et al. teaches wherein a plurality of radiation dose detection sections (fig. 11, #111) are arranged such that when a radiographic image detection section (fig. 11, #108) is rotated by only a predetermined angle in a radiographic image detection plane (fig. 11, rotation in plane defined by #108), positions of some or all of the plurality of radiation dose detections sections (fig. 11, #111) before rotation coincide with those after rotation (figs. 10 and 11), and a pivot mechanism which integrally pivots the radiographic image detection section (fig. 11, #108) and the plurality of radiation dose detections sections (fig. 11, #111) in a radiographic image detection plane (fig. 10, plane defined by #108) of the radiographic image detection section (fig. 10).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the apparatus of Khutoryansky et al. with the pivoting mechanism of Kobayashi et al., since one would be motivated to make such a modification to fit the region of interest of the object onto the detection range better (fig. 11) as implied from Kobayashi et al.

10. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Khutoryansky et al. as applied to claim 3 above, and further in view of Katayama (JP 2000-023959).

Khutoryansky et al. discloses an apparatus as recited above.

However, Khutoryansky et al. does not disclose wherein a recognition section includes a sensor which detects the relative positional relationship between an object and a radiographic apparatus.

Katayama teaches wherein a recognition section includes a sensor (fig. 1, #4) which detects the relative positional relationship between an object (fig. 1, #3) and a radiographic apparatus.

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the apparatus of Khutoryansky et al. with the recognition section of Katayama, since one would be motivated to make such a modification for simpler and automatic selection of radiation dose detection sections (abstract, problem to be solved section) as implied from Katayama.

11. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Khutoryansky et al. in view of Li (US Patent 6459755).

For purposes of being concise, Khutoryansky et al. discloses an apparatus as recited above.

However, Khutoryansky et al. does not disclose a computer-readable medium.

Li teaches a computer-readable medium (col. 2, lines 25-27, and fig. 2, #36).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the apparatus of Khutoryansky et al. with the computer-readable medium of Li, since one would be motivated to make such a modification to centralize processing for easier coordination and use (fig. 2, #36) as implied from Li.

*Response to Arguments*

12. Applicant's arguments filed 10/20/05 have been fully considered but they are not persuasive.

Regarding at least claim 1, Applicants argue that Khutoryansky et al. fails to disclose or suggest a control section which decides a mode of use of outputs from the plurality of radiation dose detection sections on the basis of a relative positional relationship between the object and the radiographic apparatus. The Examiner disagrees. As pointed out by Applicants, Khutoryansky et al. permits manual or automatic selection of sensors to be used in controlling the exposure parameter(s) by selecting which sensor array elements will be used in exposure control. This reads on deciding a mode of use of outputs from the plurality of radiation dose detection sections in the claims. Further support is found with the measurements from sensory arrays 110, 122 (col. 7, lines 12-15) to select specific sensor locations to be used for exposure control (col. 8, lines 30-34), which correspond to locations within the area of interest of the object that is identified (abstract, lines 7-10). This also reads on deciding on the basis of a relative positional relationship between the object and the radiographic apparatus in the claims. Therefore, Khutoryansky et al. does disclose a control section (fig. 1, #112), which decides a mode of use of outputs from a plurality of radiation dose detection devices on the basis of a relative positional relationship (col. 7, lines 26-34) between an object (fig. 1, #116) and the radiographic apparatus (fig. 1, #100).

In conclusion, Applicants' arguments are not persuasive, and the claims remain rejected.



*Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chih-Cheng Glen Kao whose telephone number is (571) 272-2492. The examiner can normally be reached on M - F (9 am to 5 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on (571) 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



gk



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